IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3503/07
Ghanshyam Toshniwal & Anr. Vs. Chief Judicial Magistrate & Anr.

5.10.2007

Hon'ble Mr. Justice Mohammad Rafiq

Smt. Manju Sharma for petitioner.

Heard learned counsel for the petitioner.

This writ petition has been filed with the grievance that even though the evidence of the plaintiff in the suit in question commenced on 20.9.2001 but so far it has not been completed. In spite of the fact that the defendant petitioner made an application before the trial court on 20.9.2005 requesting the Court to close the evidence of the plaintiff, the Court did not accept that

application. In the course of time, the plaintiff has now amended the plaint and matter is still at the stage of closing the evidence. The grievance of the petitioner is that even after lapse of six years, the evidence has not been completed. It has therefore been prayed that the Court of ACJM, Tonk, where the trial of the subject suit is pending, be directed to close the evidence of the plaintiff and start the evidence of the defendant because one of the defendant i.e. Shri Radha Kishan Toshniwal is 78 years of age and wants the disposal of the suit in his life time.

In the facts of the case, the nature of direction that has been sought for is not considered appropriate to be issued, but at the same time, it is

impressed upon the trial court to expedite and complete the recording of the evidence and not unnecessarily prolonged the matter merely because request for adjournment is made by one party or the other. Efforts should be made by the Court to conclude the evidence of the plaintiff as well as the defendant as early as possible.

With these observations, the writ petition is disposed of.

(Mohammad Rafiq),J.

Rs/-